

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHAD HOGAN,

Plaintiff,

vs.

CIVIL ACTION NO.

2:05CV-687-F

CITY OF MONTGOMERY, et al.,

Defendants.

* * * * *

DEPOSITION OF ANTHONY ARNAUD,

taken pursuant to notice and stipulation on behalf of the
Plaintiff, in the Law Office of Anderson K. Nelms, 847 S.
McDonough Street, Montgomery, Alabama, before Angela
Fulmer, Certified Shorthand Reporter and Notary Public in
and for the State of Alabama at Large, on February 20,
2006, commencing at 1 p.m.

DEFENDANT'S
EXHIBIT

6

1 Q. All right. So it was almost an hour and a half
2 after you were called to your store for the second
3 alarm?

4 A. Yes, sir.

5 Q. Okay. What happened in that intervening period of
6 time, that hour and a half period of time. What did
7 you do?

8 A. More or less at the time just hanging around and
9 just looking around. And then he said, if you want
10 to press charges, you've got to go downtown.

11 Q. Okay.

12 A. Then he said, do you know where it's at. And I
13 said, yes, sir. And I went down, you know...

14 Q. Okay. Did you want to press charges?

15 MR. BODIN: Object to the form.

16 MR. NELMS: On what ground?

17 MR. BODIN: I don't have to give a ground.
18 Object to the form of the question.

19 MR. NELMS: Actually, the Middle District
20 rule says that I can ask.

21 MR. BODIN: You can ask. I'm objecting to
22 the form of the question.

23 Q. (By Mr. Nelms) Do you have an answer?

1 A. No, sir.

2 Q. Okay. But you were of the impression at the time
3 that nothing was taken --

4 MR. BODIN: Object to the form.

5 MR. GILLIS: Objection.

6 Q. -- from your building?

7 MR. BODIN: He's already asked -- answered
8 that question.

9 A. To my knowledge, there was nothing taken.

10 Q. Okay. But you did wish to press charges?

11 A. Well, if there was charges on him -- I mean, on the
12 thing -- I mean, I was being called out to
13 apparently a burglary. And when I get there, you
14 know, police is in there and they've got people --
15 chasing people and this and that. You know, I
16 didn't have no other way to think that -- and I'd
17 want to press charges on anybody if I had the
18 grounds to press charges.

19 Q. Okay. So, if you recall, who did you first see when
20 you got to police headquarters?

21 A. You see so many detectives. At times I didn't -- I
22 don't even know the first one I talked to it's been
23 so long.

1 A. Right.

2 Q. White or black?

3 A. White.

4 Q. All right. Young or old?

5 A. I guess in his forties.

6 Q. All right. Fat or thin?

7 A. In shape.

8 Q. Okay.

9 MR. NELMS: If you'll give me a minute, I
10 think we're finished.

11 THE WITNESS: Okay.

12 (Off-the-Record discussion.)

13 Q. Did you ever tell anyone with the Montgomery Police
14 Department on March the 31st or April -- the
15 morning -- early morning of April the 1st that you
16 did not wish to press charges?

17 A. No, sir.

18 Q. Did you tell anybody that you were in a hurry, you
19 wanted to go home?

20 A. Huh-uh.

21 Q. Is that a no?

22 A. No, sir.

23 Q. Okay. And you -- I asked you earlier. Did anyone

1 with the Montgomery Police Department pressure you
2 to file a warrant?

3 A. No, sir.

4 Q. Nobody did at all?

5 A. All they said is that they had -- when they got
6 there, there was a guy that was walking away from
7 the building, got in a car, and took off. And they
8 started chasing him. And when I got there, he said
9 they had caught one and the other one was down the
10 drainage canal and they had found a ski mask and a
11 pistol in the car.

12 Q. Okay.

13 A. And that's the most I had a conversation to that --
14 of -- with any of them about that --

15 Q. All right.

16 A. -- about what happened.

17 Q. Okay. And other than that --

18 A. Nobody's -- no, sir.

19 Q. Nobody said anything to you about wanting you to
20 press charges?

21 A. No. They just said to press charges, I had to go
22 downtown.

23 Q. Okay. If you can recall, during that period of time